

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JONATHAN W. MCKINNEY,

Plaintiff,

v.

JAMES MILLS, *et al.*,

Defendants.

No. C08-5720 BHS/KLS

ORDER DENYING MOTION FOR  
DISCOVERY

Before the court is Plaintiff's Motion for Discovery. Dkt. 49. Plaintiff moves the court, pursuant to Rule 26 of the Federal Rules of Civil Procedure, for an order requiring certain persons to produce materials for the Plaintiff's inspection, examination and copying. *Id.* Plaintiff must first direct his discovery requests to the parties or third-parties pursuant to the rules of discovery. In the event the discovery requests are not complied with, Plaintiff must confer with opposing counsel in a good faith attempt to resolve the discovery dispute. Finally, if the attempt to confer is unsuccessful, Plaintiff may file a motion to compel, which shall include a certification that he, in good faith, conferred or attempted to confer with the person or party failing to make the discovery in an effort to secure the information or material without court intervention in accordance with Fed. R. Civ. P. 37(a)(2)(B).

Accordingly, it is **ORDERED:**

ORDER - 1

1 (1) Plaintiff's motion for discovery (Dkt. 49) is **DENIED**.

2 (2) The Clerk shall send a copy of this Order to Plaintiff and counsel for Defendants.

3 DATED this 21st day of April, 2010.

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6 Karen L. Strombom  
7 United States Magistrate Judge  
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